



Agricultural Land Commission
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June 6, 2009

Reply to the attention of Brandy Ridout
ALC File: L-38637

Larry and Arleen Reid
4904 Brenton - Page Road
Ladysmith, BC V9G1J6

Dear Sir/Madam:

Re: Application to Subdivide within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 205/2009 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) copies of the release of covenant forms for the Commission's execution to this office. When the Commission confirms that all conditions have been met (i.e. the fence is constructed), it will authorize the Registrar of Land Titles to release the covenant.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of East Kootenay (P-708-622)

MC/i/38637d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 26, 2009 at Invermere, B.C.

PRESENT: Barry Minor Chair, Kootenay Panel
Carmen Purdy Commissioner
Jerry Thibeault Commissioner
Martin Collins Staff

For Consideration

Application: # L- 38637
Applicant: Larry and Arleen Reid
Proposal: To remove the covenant which prevents Lots A and B from being sold separately. The 1.5 ha Lot B contains eight agri-tourist guest ranch cabins. Lot A is the ranch parcel.
Legal: 1. PID: 025-839-209 (29 ha)
Lot A, District Lot 1089, Kamloops Division of Yale District, Plan NEP74853
2. PID: 025-839-217 (1.5 ha)
Lot B, District Lot 1089, Kamloops Division of Yale District, Plan NEP74853
Location: 4920 & 5011 Dorney Road, near Brisco

Site Inspection

A site inspection was conducted on Tuesday May 26th, 2009. Those in attendance were:

- Barry Minor Chair, Kootenay Panel
- Carmen Purdy Commissioner
- Jerry Thibeault Commissioner
- Martin Collins Staff
- Larry and Arleen Reid Applicant
- Jennifer Dobson Applicant

Larry Reid confirmed that the staff report dated January 22, 2009 was received and no errors were identified.

The Commission viewed the 1.5 ha property containing the cabins, noting that it had no agricultural capability (due to the presence of the cabins and severe topography and a swamp) and that it was separated from Lot A by a road and a steep slope. Cattle grazing occurs on the adjoining property to the south. The applicants explained that the motivation for the application was so their children could take over the cabin operation business on its own separate (unencumbered) title.

The Commission discussed the grazing conflict concerns expressed by Peter Trescher in his May 13, 2009 e-mail with the applicant. The applicant confirmed that his dog had chased Mr Trescher's cattle and agreed that a more suitable fence could be constructed between Lot B and the adjoining property.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Discussion

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system.

The agricultural capability of the soil of the subject properties is improvable ;

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

The CLI mapping indicates general limiting subclass is stoniness. On Lot B, (the cabin property) the limiting subclass is topography.

Assessment of Agricultural Suitability

The Commission assessed whether the 1.5 ha property containing the cabins was critical to the ranch operation. It recalled that the cabins were permitted on the subject property as an adjunct to, and in support of, the ranching operation. However, the cabins are not located in conjunction with any ranching structures. The Commission did not believe the separation of the 1.5 ha lot from the ranch would have a substantive impact on the ranch operation.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission believes the proposal would not affect existing or potential agricultural use of surrounding lands, provided either a board or page wire fence was constructed on the southerly boundary of Lot B. The purpose of the fence is to ensure that trespass by pets or people will not negatively affect the adjoining ranch operation.

IT WAS

MOVED BY: Commissioner Barry MInor

SECONDED BY: Commissioner Jerry Thibeault

THAT the application to release the covenant binding the titles of the subject properties be allowed subject to the construction of a board (or page wire) fence along the south boundary of Lot B.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution # 205/2009